

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2445 of 2007

Date: 12.02.2007

Between:

Singam Ramaiah.

...Petitioner

And

The Sub-Registrar, Malkajigiri, Hyderabad and another.

....Respondents

-
-
-
-
-
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-
WRIT PETITION No.2445 of 2007

-
O R D E R:

-
Petitioner states that he is the owner of the land in Survey Nos.61, 62, 63/1 and 64/1 of Malkajigiri Village and Mandal, Ranga Reddy District. He feels aggrieved by the action of the first respondent in not receiving any document, based on the orders issued by the Government in G.O.Ms.No.647, Revenue (Registration-I) dated 03.10.2001, under Section 22-A of the Registration Act, 1908 (for short 'the Act'). According to him, the first respondent is refusing to entertain any documents, on the ground that the Government issued prohibitory orders, in the matter of registration of the documents in respect of the said Survey Numbers, and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The State Government was vested with the power under Section 22-A of the Act to issue notifications, prohibiting registration of any documents presented in respect of the land in the Survey Numbers mentioned therein. In the recent past, the validity of

the very provision i.e., Section 22-A of the Act, was examined by this Court. Following the Judgment of the Supreme Court in ***STATE OF RAJASTHAN V. BASANT NAHATA*** [1](#), this Court in W.P.No.14099 of 2003 and batch (*K. RAMA DEVI V. PRINCIPAL SECRETARY, REVENUE DEPARTMENT, HYDERABAD*) held that Section 22-A of the Act, insofar as it relates to the State of Andhra Pradesh, is unconstitutional and *ultra vires*. With that, the very basis for G.O.Ms.No.647 ceases to exist. Therefore, the first respondent cannot refuse to receive the documents, as long as the necessary requirements under the Indian Stamp Act and the Registration Act are complied with.

The Writ Petition is, accordingly, disposed of. The first respondent is directed to receive the documents, that may be presented by the petitioner, and process the same, without any reference to G.O.Ms.No.647, dated 03.10.2001. There shall be no order as to costs.

12.02.2007

JSU

[1](#) (2005) AIR SCW 4456